

AMENDED IN ASSEMBLY MAY 30, 2006

AMENDED IN ASSEMBLY MARCH 29, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1948

Introduced by Assembly Member Montanez

February 2, 2006

~~An act to add Section 12693.414 to the Insurance Code, and to add Sections 14011.85 and 14011.86 to the Welfare and Institutions Code, An act to add Section 14011.75 to the Welfare and Institutions Code, relating to child health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1948, as amended, Montanez. Medi-Cal program: Healthy Families Program: Child Health and Disability Prevention (CHDP) program.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits.

Existing law establishes the Healthy Families Program, administered by the Managed Risk Medical Insurance Board, to arrange for the provision of health services to an eligible person.

Existing law establishes the Child Health and Disability Prevention (CHDP) program, administered by the department, to provide early and periodic assessments of the health status of children.

Under existing law, benefits under the Medi-Cal program provided to an individual pursuant to a preliminary determination end, without the necessity for any further review or determination by the department, on or before the last day of the month following the

month in which the preliminary determination was made, unless an application for medical assistance is filed on or before that date. If an application for medical assistance is filed before this deadline, preliminary benefits continue until the regular eligibility determination based on the application has been completed.

Existing law requires the department to develop an electronic application to serve as the application for preenrollment into the Medi-Cal program or the Healthy Families Program and to also serve as an application for the CHDP program.

This bill would require the department to conduct, or contract for the conducting of, a study of the feasibility of using the above electronic application to allow a person applying on behalf of a child to simultaneously preenroll and apply for enrollment in the Medi-Cal program or the Healthy Families Program without submitting a followup application. The bill would require the results of the feasibility study to be provided to the fiscal and health policy committees of the Legislature on or before January 1, 2008.

~~This bill would require the department, by July 1, 2008, to modify the electronic preenrollment application process to include a process to be used, at the option and with the written consent of the person applying on the child's behalf, to simultaneously preenroll and apply for enrollment into the Healthy Families Program or Medi-Cal program. It would require this process to include an application to provide for continuing preliminary benefits until a final eligibility determination is made.~~

~~This bill would provide that its provisions shall be implemented only if and to the extent that an appropriation is made for that purpose in the annual Budget Act or another statute.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14011.75 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 14011.75. (a) The department shall conduct, or contract for
- 4 the conducting of, a study of the feasibility of using the electronic
- 5 application authorized pursuant to Section 14011.7, known as
- 6 the CHDP gateway, to allow a person applying on behalf of a
- 7 child to simultaneously preenroll and apply for enrollment in the

1 *Medi-Cal program or the Healthy Families Program without*
2 *submitting a followup application.*

3 *(b) The results of the feasibility study shall be provided to the*
4 *fiscal and health policy committees of the Legislature on or*
5 *before January 1, 2008.*

6 ~~SECTION 1. Section 12693.414 is added to the Insurance~~
7 ~~Code, to read:~~

8 ~~12693.414. (a) The board shall consult and coordinate with~~
9 ~~the State Department of Health Services in implementing,~~
10 ~~pursuant to Section 14011.85 of the Welfare and Institutions~~
11 ~~Code, a process to be used at the option and with the written~~
12 ~~consent of the person applying on a child's behalf to~~
13 ~~simultaneously preenroll and apply for enrollment into the~~
14 ~~Healthy Families Program or Medi-Cal program, which shall~~
15 ~~include the electronic application described in subdivision (b) of~~
16 ~~Section 14011.85 of the Welfare and Institutions Code, and shall~~
17 ~~provide continuing preliminary benefits within the meaning of~~
18 ~~subdivision (b) of Section 14011.8 of the Welfare and~~
19 ~~Institutions Code until a final eligibility determination is made.~~
20 ~~The board shall accept the electronic application described in~~
21 ~~subdivision (b) of Section 14011.85 of the Welfare and~~
22 ~~Institutions Code as an application for the Healthy Families~~
23 ~~Program. Continuing preliminary benefits under this section shall~~
24 ~~be administered by the State Department of Health Services to~~
25 ~~provide full-scope benefits pursuant to Medi-Cal requirements, at~~
26 ~~no cost to the applicant.~~

27 ~~(b) (1) The board, in consultation with the State Department~~
28 ~~of Health Services, may adopt emergency regulations to~~
29 ~~implement, pursuant to Section 14011.85 of the Welfare and~~
30 ~~Institutions Code, a process to be used at the option and with the~~
31 ~~written consent of the person applying on a child's behalf, to~~
32 ~~simultaneously preenroll and apply for enrollment into the~~
33 ~~Healthy Families Program or Medi-Cal program.~~

34 ~~(2) The initial adoption of emergency regulations and one~~
35 ~~readoption of the initial regulations shall be deemed to be an~~
36 ~~emergency and necessary for the immediate preservation of the~~
37 ~~public peace, health and safety, and general welfare. Initial~~
38 ~~emergency regulations and the first readoption of those~~
39 ~~regulations shall be exempt from review by the Office of~~
40 ~~Administrative Law. The initial emergency regulations and one~~

1 readoption of those regulations authorized by this section shall be
2 submitted to the Office of Administrative Law for filing with the
3 Secretary of State and publication in the California Code of
4 Regulations and each shall remain in effect for no more than 180
5 days.

6 (e) This section shall be implemented only if and to the extent
7 that an appropriation is made for that purpose in the annual
8 Budget Act or another statute.

9 SEC. 2. Section 14011.85 is added to the Welfare and
10 Institutions Code, to read:

11 14011.85. (a) (1) To the extent allowed under federal law,
12 and only if federal financial participation is available, the
13 department shall exercise the option provided in Section
14 1396r-1a of Title 42 of the United States Code and the Managed
15 Risk Medical Insurance Board shall exercise the option provided
16 in Section 1397gg(e)(1)(D) of Title 42 of the United States Code
17 to implement a program to provide a process to be used at the
18 option, and with the written consent, of an applicant to
19 simultaneously preenroll and apply for enrollment into the
20 Medi-Cal program or Healthy Families Program, which shall
21 include the application described in subdivision (b) and shall
22 provide for continuing preliminary benefits within the meaning
23 of subdivision (b) of Section 14011.8 until a final eligibility
24 determination is made.

25 (2) Upon the exercise of both of the federal options described
26 in this subdivision, the department shall implement and
27 administer a program of continuing preliminary benefits pursuant
28 to this section.

29 (b) (1) Before July 1, 2008, the electronic application
30 developed pursuant to subdivision (b) of Section 14011.7 shall be
31 modified, to the extent permitted by federal law, to serve, at the
32 applicant's option and with the applicant's written consent, as a
33 simultaneous application for both preenrollment under Section
34 14011.7 and enrollment into the Medi-Cal program or Healthy
35 Families Program and provide for continuing preliminary
36 benefits within the meaning of subdivision (b) of Section
37 14011.8 until a final eligibility determination is made.

38 (2) The electronic application developed for purposes of this
39 section shall comply with all of the following requirements:

1 ~~(A) Be the simplest permitted by federal law to achieve the~~
2 ~~purposes of this section.~~

3 ~~(B) Be adequate to constitute an application for medical~~
4 ~~assistance.~~

5 ~~(C) Request only the information that is necessary to provide~~
6 ~~the child with continuing preliminary benefits within the~~
7 ~~meaning of subdivision (b) of Section 14011.8 until a final~~
8 ~~eligibility determination is made pursuant to the federal options~~
9 ~~described in Section 1396r-1a or Section 1397gg(e)(1)(D) of~~
10 ~~Title 42 of the United States Code and to the extent federal~~
11 ~~financial participation is available.~~

12 ~~(3) The department shall consult with representatives of~~
13 ~~consumers, counties, and medical providers in developing, as~~
14 ~~required by this subdivision, the preenrollment and enrollment~~
15 ~~application process and, if any are necessary, followup~~
16 ~~procedures.~~

17 ~~(e) Child Health and Disability Prevention (CHDP) program~~
18 ~~providers designated by the department for purposes of~~
19 ~~paragraph (1) of subdivision (e) of Section 14011.7 may~~
20 ~~determine eligibility for continuing preliminary benefits within~~
21 ~~the meaning of subdivision (b) of Section 14011.8, as authorized~~
22 ~~under this section, and shall be subject to the requirements of~~
23 ~~paragraph (2) of subdivision (e), and subdivision (d), of Section~~
24 ~~14011.7 with respect to completing and filing an electronic~~
25 ~~application developed under this section.~~

26 ~~(d) The followup procedures for the application developed~~
27 ~~pursuant to subdivision (b), if any are necessary, shall be the~~
28 ~~simplest permitted by federal law to qualify for federal financial~~
29 ~~participation. Any child whose parent or guardian fails to provide~~
30 ~~all necessary documentation for purposes of this subdivision~~
31 ~~shall be denied eligibility.~~

32 ~~(e) (1) If the electronic application developed pursuant to this~~
33 ~~section indicates that the child is seeking eligibility for either no~~
34 ~~cost full-scope Medi-Cal benefits or enrollment in the Healthy~~
35 ~~Families Program, the applicant shall be given the option to~~
36 ~~simultaneously submit, along with the preenrollment application,~~
37 ~~the electronic application developed pursuant to subdivision (b).~~

38 ~~(2) The date of application for the Medi-Cal program or the~~
39 ~~Healthy Families Program is the date the optional electronic~~
40 ~~enrollment application provided for in subdivision (b) is~~

1 submitted or the date another application for the Medi-Cal
2 program or Healthy Families Program is submitted with the
3 appropriate entity by the parent or guardian, whichever is earlier.

4 (3) In addition to all notification required pursuant to
5 paragraph (3) of subdivision (e) of Section 14011.7, the CHDP
6 provider shall provide notice as follows:

7 (A) If the applicant opts, as provided for in paragraph (1), to
8 simultaneously submit, along with the preenrollment application,
9 the electronic application developed pursuant to subdivision (b),
10 and if the CHDP provider determines that the child is eligible for
11 preenrollment pursuant to paragraph (1) of subdivision (e) of
12 Section 14011.7, the CHDP provider shall inform the child's
13 parent or guardian that the child has been determined eligible for
14 both preenrollment and continuing preliminary benefits until a
15 final eligibility determination as to the child's eligibility for the
16 Medi-Cal program or Healthy Families Program is made.

17 (B) If the applicant does not opt to submit the electronic
18 application developed pursuant to subdivision (b), but instead
19 submits only the preenrollment application, the CHDP provider
20 shall, upon making a determination that the child is eligible for
21 preenrollment into either the Medi-Cal program or the Healthy
22 Families Program, inform the parent or guardian that the period
23 of preenrollment eligibility will end on the last day of the month
24 following the month in which the determination of preenrollment
25 eligibility is made, unless the parent or guardian completes and
26 returns to the appropriate entity an application for the Medi-Cal
27 program or Healthy Families Program on or before that date.

28 (4) If the electronic application for enrollment described in
29 subdivision (b) or another application for the Medi-Cal program
30 or Healthy Families Program is submitted on or before the last
31 day of the month following the month in which a determination
32 is made that the child is eligible for preenrollment into either the
33 Medi-Cal program or the Healthy Families Program, the period
34 of preenrollment eligibility shall continue as preliminary benefits
35 within the meaning of subdivision (b) of Section 14011.8, until
36 the completion of the eligibility determination process for the
37 applicable program or programs.

38 (f) The scope and delivery of benefits provided to a child who
39 is preenrolled for the Medi-Cal program or Healthy Families
40 Program, or whose preliminary benefits are continued pursuant to

1 this section, shall be identical to the scope and delivery of
2 benefits received by a child who is enrolled in the Medi-Cal
3 program pursuant to this chapter.

4 (g) The department and the Managed Risk Medical Insurance
5 Board shall seek approval of any amendments to the state plan,
6 necessary to implement this section, for purposes of funding
7 under Title XIX (42 U.S.C. Sec. 1396 et seq.) and Title XXI (42
8 U.S.C. Sec. 1397aa et seq.) of the Social Security Act.
9 Notwithstanding any other provision of law and only when all
10 necessary federal approvals have been obtained, this section shall
11 be implemented only to the extent federal financial participation
12 is available.

13 (h) Upon the implementation of this section, this section shall
14 control in the event of a conflict with any provision of Article 6
15 (commencing with Section 124025) of Chapter 3 of Part 2 of
16 Division 106 of the Health and Safety Code governing the Child
17 Health and Disability Prevention program.

18 (i) To implement this section, the department may contract
19 with public or private entities, or utilize existing health care
20 service provider enrollment and payment mechanisms, including
21 the Medi-Cal program's fiscal intermediary, only if services
22 provided under the program are specifically identified and
23 reimbursed in a manner that appropriately claims federal
24 financial reimbursement. Contracts, including the Medi-Cal
25 fiscal intermediary contract for the Child Health and Disability
26 Prevention program, including any contract amendment, any
27 system change pursuant to a change order, and any project or
28 systems development notice shall be exempt from Part 2
29 (commencing with Section 10100) of Division 2 of the Public
30 Contract Code, Chapter 7 (commencing with Section 11700) of
31 Part 1 of Division 3 of Title 2 of the Government Code, Section
32 19130 of the Government Code, and any policies, procedures, or
33 regulations authorized by these laws.

34 (j) Notwithstanding Chapter 3.5 (commencing with Section
35 11340) of Part 1 of Division 3 of Title 2 of the Government
36 Code, the department shall implement this section by means of
37 all-county letters or similar instructions, without taking any
38 further regulatory action. Thereafter, the department shall adopt
39 regulations, as necessary, to implement this section in accordance
40 with the requirements of Chapter 3.5 (commencing with Section

1 ~~11340) of Part 1 of Division 3 of Title 2 of the Government~~
2 ~~Code.~~

3 ~~(k) This section shall be implemented only if and to the extent~~
4 ~~that an appropriation is made for that purpose in the annual~~
5 ~~Budget Act or another statute.~~

6 ~~SEC. 3.—Section 14011.86 is added to the Welfare and~~
7 ~~Institutions Code, to read:~~

8 ~~14011.86.—(a) The application described in subdivision (b) of~~
9 ~~Section 14011.85 shall be treated as an application for medical~~
10 ~~assistance under the state plan for purposes of Section 14011.8.~~

11 ~~(b) This section shall be implemented only if and to the extent~~
12 ~~that an appropriation is made for that purpose in the annual~~
13 ~~Budget Act or another statute.~~